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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,677	01/04/2001	Hiroyuki Kakita	41316	1667
7	7590 03/31/2003			
Garrett V. Davis, Esq. ROYANCE, ABRAMS, BERDO & GOODMAN, L.L.P 1300 19th Street, N.W., Suite 600			EXAMINER	
			HUSAR, JOHN	
Washington, DC 20036			ART UNIT	PAPER NUMBER
			3725	
			DATE MAILED: 03/31/2003	9

Please find below and/or attached an Office communication concerning this application or proceeding.

60

		Application No.	Applicant(s)			
Office Action Summary		09/753,677	KAKITA ET AL.			
		Examiner	Art Unit			
		John M. Husar	3725			
Period fo	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status						
1)⊠	Responsive to communication(s) filed on 23 December 2002.					
2a) <u></u> ☐	This action is <b>FINAL</b> . 2b)⊠ Thi	is action is non-final.				
3)	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
,	4) Claim(s) 1-15 is/are pending in the application.					
4a) Of the above claim(s) <u>1-6 and 13-15</u> is/are withdrawn from consideration.						
•	Claim(s) is/are allowed.					
	6) Claim(s) <u>7-12</u> is/are rejected.					
•	Claim(s) is/are objected to.	* 0				
8) Claim(s) are subject to restriction and/or election requirement.  Application Papers						
• •	The specification is objected to by the Examiner	r				
,	The drawing(s) filed on is/are: a)☐ accep		miner			
ا ۱۷٫						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
•	a)⊠ All b)☐ Some * c)☐ None of:					
	1. Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
	* See the attached detailed Office action for a list of the certified copies not received.					
•	14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)						

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#### **DETAILED ACTION**

#### Election/Restrictions

1. Applicant's election with traverse of Group II, claims 7-12 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the restriction does not explain how the claimed process steps provide a different function amongst the three groups. This is not found persuasive because each of the three groups provide a completely different claimed process step in the <u>last line</u> of each of the independent claims 1,7 and 13 as well as the fact that each of the three groups of inventions start of their independent claims with a completely different preamble [i.e. "a process for transporting", "a process for storing" and "a process for producing"].

The requirement is still deemed proper and is therefore made FINAL.

### Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, lines 4 and 5, the phrase "carrying out at least one selected from the group consisting of" is considered to be vague and indefinite claim language.

## Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al.

Takahashi et al discloses the invention as can be best understood in view of the 35 USC 112, second paragraph rejection set forth above.

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#### Conclusion

The prior art made of record and not relied upon is considered pertinent to 6. applicant's disclosure. Kakita et al is being cited for showing a similar process to that of the applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Husar whose telephone number is (703) 308-6178. The examiner can normally be reached on Mon.- Fri. during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

> lehn M. Husar <sup>z</sup>rimary Examiner

JMH March 21, 2003